REMARKS

Statement of Substance of Interview

As an initial matter, counsel would like to thank the Examiner for the courtesies extended during the telephone interview conducted March 3, 2008.

The Interview Summary mailed March 19, 2008 provides an accurate summary and statement of the substance of the telephone interview with the Examiner, except that the Preliminary Amendment was filed May 10, 2005.

Response to Office Action Dated March 19, 2008

In the present Amendment, Claim 1 has been amended to incorporate the subject matter of Claim 5. Claim 5 has been cancelled, accordingly. Claims 6 and 7 have been amended to depend from Claim 1. Claim 14 has been cancelled without prejudice or disclaimer. No new matter has been added, and entry of the Amendment is respectfully requested.

Upon entry of the Amendment, Claims 1-4, 6-13 and 15-18 will be pending.

In paragraph No. 2 of the Action, Claims 1-18 have been rejected for obviousness-type double patenting as allegedly being unpatentable over Claims 1-10 of U.S. Patent No. 6,939,910 ('910).

Applicants submit that this rejection should be withdrawn because the present claims are not obvious over Claims 1-10 of the '910 patent.

The claims of '910 patent do not recite 1) percentages of a softening agent (a) and a liquid polymer (b) based on 100 parts by mass of a rubber component; and 2) a liquid polymer having a viscosity average molecular weight of 45,000-100,000.

Further, the Examiner states that BUDENE 1255 is a high cis-polybutadiene. However, Example 5 (BR-3) in Table 3 of the US '910 patent has a cis-bond amount of 20%. Therefore, BUDENE 1255 is a low cis-polybutadiene and is not similar to natural rubber.

Still further, the US '910 patent employs rubbers extended with oil, but these oil extended rubbers are not a liquid polymer. In general, it is difficult to mill a rubber which is in the form of a solid at room temperature, so that the rubber is extended with oil to make it easy to mill. The oil extended rubber is a mixture of the rubber and oil, but is not in the form of a liquid and is not a liquid rubber.

In view of the above, reconsideration and withdrawal of the double patenting rejection are respectfully requested.

In paragraph No. 4 of the Action, Claims 1-3, 8, 9, 11, 12, 17 have been rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by IMAI (US 4,360,049).

In paragraph No. 5 of the Action, Claims 1, 2, 4, 8, 11 and 13 have been rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by Hashimoto (EP 939,104) in view of evidence in the teachings of Imai.

In paragraph No. 7 of the Action, Claims 1, 2, 4, 8, 11 and 13 have been rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by Russell (GB 2,239,870) in view of evidence in the teachings of Imai.

In paragraph No. 8 of the Action, Claims 1-4, 8, 9, 11-13 and 17 have been rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by Nakayama (US 4,840,988) in view of evidence in the teachings of Imai.

In paragraph No. 14 of the Action, Claims 1-4, 8, 9, 11-13 and 17 have been rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Hashimoto in view of Imai.

In paragraph No. 15 of the Action, Claims 1-4, 8, 9, 11-13 and 17 have been rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Russell in view of Imai.

In paragraph No. 16 of the Action, Claims 1-4, 8, 9, 11-13 and 17 have been rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Nakayama in view of Imai.

Applicants submit that the above seven (7) §§ 102/103(a) rejections should be withdrawn because Claim 1 has been amended to incorporate the subject matter of Claim 5 and Claim 5 is not subject to any of the rejections.

In paragraph No. 6 of the Action, Claims 1-18 have been rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by Nakagawa (US 6,939,910).

Applicants submit that this rejection should be withdrawn because Nakagawa is not prior art with respect to the present claims.

The international application of Nakagawa was published in Japanese. Therefore, the effective §102(e) date of Nakagawa is its National Stage entry date of August 27, 2003, which is later in time than Applicants' priority date of November 15, 2002.

To remove Nakagawa as prior art under § 102(e) and to perfect their claim to priority, Applicants submit herewith a verified English translation of their priority document. Section 112 support for the present claims in the priority document is as shown in the following chart:

Present Claim	Support in Priority Document
1	Claims 1 and 5
2	Claim 2
3	Claim 3
4	Claim 4
6	Claim 6
7	Claim 7

Present Claim	Support in Priority Document
8	Claim 8
9	Claim 3
10	Claim 7
11	Claim 8
12	Claim 8
13	Claim 8
15	Claim 8
16	Claim 8
17	Claim 8
18	Claim 8

In view of the above, Nakagawa is not § 102(e) prior art with respect to the present claims. Reconsideration and withdrawal of the § 102(e) rejection based on Nakagawa are respectfully requested.

In paragraph No. 9 of the Action, Claims 1, 2, 4-11 and 13-18 have been rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by Henning et al (US 6,977,276) in view of evidence in the teachings of Imai.

In paragraph No. 10 of the Action, Claims 1-6, 8, 9, 11-15 and 17 have been rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by Weydert et al (US 7,193,004) in view of evidence in the teachings of Imai.

In paragraph No. 17 of the Action, Claims 1-6, 8, 9, 11-15 and 17 have been rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Henning in view of Imai.

In paragraph No. 18 of the Action, Claims 1-6, 8, 9, 11-15 and 17 have been rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Weydert in view of Imai.

In paragraph No. 19 of the Action, Claims 7, 10 and 16 have been rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Henning in view of Imai as applied to claims 1-6 and 8 above, and further in view of Hashimoto or Russell.

In paragraph No. 20 of the Action, Claims 7, 10 and 16 have been rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Weydert in view of Imai as applied to claims 1-6 and 8 above, and further in view of Hashimoto or Russell.

Applicants submit that the above six (6) rejections should be withdrawn because Henning and Weydert are not prior art with respect to the present claims.

Henning was filed on December 15, 2003. Weydert was filed on June 30, 2003. These dates are later in time than Applicants' priority date of November 15, 2002.

To remove Henning and Weydert as prior art under § 102(e) and to perfect their claim to priority, Applicants submit herewith a verified English translation of their priority document. Section 112 support for the present claims in the priority document is as shown in the above chart.

In view of the above, Henning and Weydert are not § 102(e) prior art with respect to the present claims. Reconsideration and withdrawal of the above six §§ 102(e)/103(a) rejections are respectfully requested.

Allowance is respectfully requested. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

Hui Chen Wauters

Hui C. Wauters
Registration No. 57,426

SUGHRUE MION, PLLC
Telephone: (202) 293-7060
Facsimile: (202) 293-7860

WASHINGTON OFFICE
23373
CUSTOMER NUMBER

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